



One Hundred Seventeenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

October 29, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, DC 20593

Dear Secretary Mayorkas,

Over 1.7 million migrants were encountered illegally crossing the southwest border this fiscal year by U.S. Customs and Border Protection (CBP).¹ Of those, 1.4 million were encountered from February through September, after President Biden took office and reversed several key border security policies. Facing chaos along our southwest border, President Biden has mandated that federal government employees, including CBP, must be fully vaccinated against COVID-19 by November 22, 2021.² The U.S. Office of Personnel Management (OPM), which serves as the chief human resources agency and personnel policy manager for the Federal Government, confirmed that President Biden's vaccine mandate for federal employees can be enforced beginning on November 9, 2021.³ This enforcement includes, "disciplinary measures, up to and including removal or termination from Federal service."⁴ If the Biden Administration really wanted to protect frontline Border Patrol Agents, then it would stop allowing unvetted and unvaccinated migrants to illegally cross our borders at their own discretion.

President Biden's vaccine mandate will have a damaging impact on the Department of Homeland Security's (DHS) mission, especially for the U.S. Border Patrol who work day and night keeping our homeland secure. Rather than allow federal employees to consult with their doctor to determine appropriate medical actions, including on vaccinations, President Biden is forcing medical procedures on them. The National Border Patrol Council (NBPC), which represents the approximately 18,000 Border Patrol Agents and support personnel assigned to the U.S. Border Patrol, has stated that it is continuing to search for legal avenues of relief, but in the meantime, is providing information to Border Patrol Agents on filing a religious or medical exemption to the vaccine.⁵

¹ Southwest Land Border Encounters, accessed at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

² Requiring Coronavirus Disease 2019 Vaccination for Federal Employees, accessed at <https://www.federalregister.gov/documents/2021/09/14/2021-19927/requiring-coronavirus-disease-2019-vaccination-for-federal-employees>; Protecting the Federal Workforce During the COVID-19 Pandemic, accessed at <https://www.saferfederalworkforce.gov/overview/>

³ OPM says vaccine mandate for federal workers can be enforced next month, accessed at <https://thehill.com/homenews/administration/575049-opm-says-vaccine-mandate-for-federal-workers-can-be-enforced-next>

⁴ *Id.*

⁵ NBPC Update on Vaccine Mandates, accessed at <https://bpunion.org/featured/nbpc-member-update-on-vaccine-mandates/>

Across the nation, essential workers have been forced to leave the workforce because of COVID-19 vaccine mandates.⁶ Due to the trends of workforce attrition when COVID-19 vaccine mandates have gone into effect at workplaces, we are greatly concerned about the effects it will have on the already short-staffed U.S. Border Patrol. While border encounters remain well above 170,000 for the seventh month straight, it is clear that this crisis is not going to abate anytime soon.⁷ It is extremely concerning that during this crisis, the Biden Administration is continuing forward with this misguided and inappropriate overreach.

The U.S. Border Patrol Agents work tirelessly along our borders protecting the United States from threats including illegal drugs, terrorists, and human smugglers and traffickers, and now, they are under attack from the Biden Administration. The U.S. Border Patrol could lose a significant number of their workforce when the COVID-19 vaccine mandate goes into effect, which would have a severe impact on the safety and security of our nation.

It is estimated that in the last year, over 400,000 individuals illegally crossed the border and successfully entered the interior of our nation because Border Patrol Agents are overwhelmed.⁸ If the U.S. Border Patrol loses essential personnel due to the COVID-19 vaccine mandate, we are extremely concerned about their ability to maintain any semblance of operational control of our nation's borders.

We, as Members of Congress, have a duty to perform oversight over DHS. Therefore, understanding the impact that President Biden's vaccine mandate will have on the U.S. Border Patrol's ability to perform its critical duty in safeguarding our nation, as well as the impact this will have on the safety and security of our nation, we request a response to the following questions as soon as possible, but no later than November 19, 2021.

1. What is the number of fully vaccinated U.S. Border Patrol employees as of October 31, 2021?
2. What is DHS's plan for U.S. Border Patrol employees who do not comply with President Biden's vaccine mandate?
3. Please provide to the Committee on Homeland Security all documents and communications, including, but not limited to, internal memoranda and e-mails, relating to attrition concerns at CBP due to President Biden's vaccine mandate for federal employees.
4. Please provide to the Committee on Homeland Security all documents and communications referring or relating to the decision to implement and the

⁶ Cops fired over COVID-19 vaccine mandates in Washington state, accessed at <https://www.washingtontimes.com/news/2021/oct/20/fired-cops-sue-over-covid-19-vaccine-mandates-wash/>; Front-line health care worker shortage due to COVID-19 vaccine mandates, burnout, accessed at <https://nypost.com/2021/10/20/front-line-health-care-worker-shortage-due-to-vax-mandates-burnout/>

⁷ Migrant caravan containing thousands travels through Mexico toward US border: 'Tell Biden we are coming', accessed at <https://www.foxnews.com/politics/migrant-caravan-travels-mexico-towards-us-border-tell-biden>

⁸ More than 400,000 sneaked over southern border and got away in past year, former Border Patrol head says, accessed at <https://www.yahoo.com/now/more-400-000-sneaked-over-235300558.html>

implementation process of vaccine mandates at DHS, specifically relating to the U.S. Border Patrol between January 20, 2021 and October 31, 2021.

5. What is DHS's contingency plans for CBP to address the attrition of the U.S. Border Patrol because of President Biden's vaccine mandate and how that will affect the security our border?

Thank you for your prompt attention to this matter. Please do not hesitate to reach out to Natasha Eby on the House Homeland Security Committee staff at 202-226-8417 should you or your staff have any questions.

Sincerely,



CLAY HIGGINS
Ranking Member
Subcommittee on Border Security,
Facilitation, and Operations



MICHAEL GUEST
Member of Congress



DAN BISHOP
Member of Congress



ANDREW S. CLYDE
Member of Congress